

Message Text

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ACTION NEA-10

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 6906

INFO AMEMBASSY KABUL

AMEMBASSY NEW DELHI

AMCONSUL KARACHI

AMCONSUL LAHORE

AMCONSUL PESHAWAR UNN

LIMITED OFFICIAL USE ISLAMABAD 7959

E.O. 11652: N/A

TAGS: PINS, SHUM, PINT, PK

SUBJECT: DETENTION OF POLITICAL OPPONENTS --

GOVERNMENT RETREAT AND FURTHER ASSERTION
OF JUDICIARY INDEPENDENCE

REF: ISLAMABAD 7725

1. GOP CRACKDOWN ON INDEPENDENCE OF JUDICIARY IN CASES
AGAINST POLITICAL OPPOSITION UNDER THIRD AMENDMENT TO
DEFENSE OF PAKISTAN ORDINANCE (DPO) (SEE REFTEL)
INVOLVED REMOVAL OF ALL JURISDICTION IN DPO CASES
FROM COURTS OTHER THAN SPECIAL TRIBUNALS SET UP TO TRY
DPO CASES. REACTION WAS RAPID. AUGUST 2 ENGLISH AND
URDU PAKISTANI PRESS CARRIED FULL STATEMENTS BY
OPPOSITION LEADERS CONDEMNING NEW ORDINANCE ON THREE
GROUNDS: (1) FURTHER DENIAL OF FUNDAMENTAL HUMAN AND
DEMOCRATIC RIGHTS, (2) ORDINANCE WAS ISSUED BY
PRESIDENTIAL PROCLAMATION WHEN NATIONAL ASSEMBLY WAS
TO CONVENE WITHIN A WEEK'S TIME, AND (3) ORDINANCE WAS
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AN EMERGENCY MEASURE TAKEN AT A TIME WHEN -- BECAUSE

OF THAW IN INDO-PAKISTANI RELATIONS -- NO APPARENT REASON FOR EMERGENCY EXISTS. IN CAREFULLY-WORDED EDITORIAL INDEPENDENT URDU LANGUAGE NAWA-I-WAQT CRITICIZED GOP ON EACH OF THESE POINTS.

2. AUGUST 3 NEWSPAPERS REPORT LAW MINISTER MALIK AKHTER'S AUGUST 2 PRESS CONFERENCE IN ISLAMABAD WHERE HE "CLARIFIED" THE MEANING OF THIS THIRD AMENDMENT TO DPO. NEW INTERPRETATION REPRESENTS MODIFIED STAND BY GOP: THE SUPREME COURT IS ALLOWED JURISDICTION TO REVIEW ON APPEAL THE FINAL DECISIONS OF THE SPECIAL TRIBUNALS THAT TRY DPO CASES. THIS IS RESTORATION OF RIGHT OF JURISDICTION TO THE COURT. HOWEVER, THE AMENDMENT AS NOW INTERPRETED DOES NOT PERMIT ANY COURT TO GRANT BAIL OR OTHERWISE INTERFERE WITH SPECIAL TRIBUNALS' EXCLUSIVE JURISDICTION OVER DPO CASES.

3. AUGUST 3 NAWA-I-WAQT ALSO REPORTS THAT SUPREME COURT, WHICH HAS BEEN REVIEWING PUNJAB GOVERNMENT'S APPEAL OF LAHORE HIGH COURT'S DECISION TO GRANT BAIL IN THE DPO CASES PENDING AGAINST OPPOSITION LEADERS SENATOR RAMAY AND MPAS KHAKWANI AND RAJAMUNAWAR, HAS RULED THAT THESE THREE WILL REMAIN FREE ON BAIL AND MAY NOT BE ARRESTED FOR ANY REASON UNTIL THE COURT REACHES A RULING ON THE PENDING APPEAL.
BYROADE

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